

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 2, 1891.—Ordered to be printed.

Mr. MANDEKSON, from the Committee on Military Affairs, submitted the following

REPORT;

[To accompany H. R. 9877.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 9877) entitled "An act directing the Secretary of War to issue an honorable discharge to Almond C. Walters," have had the same under consideration and have reconstructed or amended the same and made the title agree therewith, and as thus amended report the same back and recommend its passage.

The facts seem to be as set forth in a report from the record and pension division of the War Department, which is as follows:

Almond Waters, private Company E, One hundred and first New York Infantry Volunteers, was enrolled at Plattsburgh, N. Y., on December 10, 1861, to serve 3 years, and is reported on the company rolls as follows: From enrollment to June 30, 1862, present; July and August, 1862, absent, wounded at the battle of Bull Run, Va.; September and October, 1862, absent without remark—name dropped from all subsequent rolls of the said organization.

Hospital records show that he was treated in the general hospital in Turner's Lane, Philadelphia, Pa., from September 4, 1862, to March 2, 1863, when he deserted.

Records of the Provost-Marshal General show that he was arrested on July 30, 1863, by the provost-marshal of the twenty-seventh district of New York, and was delivered to the military commander at Elmira, N. Y., on August 15, 1863.

He again enlisted on September 2, 1864, as Almond C. Walters, at Jerusalem, N. Y., in Company C, One hundred and eighty-eighth New York Infantry Volunteers, and served faithfully therein until mustered out with the company on July 1, 1865, as first sergeant. The record shows the fact of his discharge from Company E, One hundred and first New York Volunteers, by the court of Chemung County, N. Y., on a writ of habeas corpus; but the charge of desertion can not be removed under existing law, as the man did not return voluntarily.

Respectfully submitted.

F. C. AINSWORTH,

*Captain and Assistant Surgeon, U. S. Army.*

It also appears that Walters was wounded at the battle of Bull Run, was in hospital from September to March, 1863, and was furloughed to go home; that he was a minor, and on being arrested as a deserter he applied for his discharge, and was discharged by the court on a writ of habeas corpus. His subsequent reënlistment is some evidence that he was not only patriotic, but that he never intended to desert, and your committee therefore think that Walters is entitled to have the charge of desertion standing against him removed and that he be granted a certificate of honorable discharge.

The bill, however, is faulty in construction, and is amended so as to read as follows:

AN ACT directing the Secretary of War to issue an honorable discharge to Almond C. Walters.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is authorized and directed to remove the charge of desertion from the military record of Almond C. Walters, late a member of Company E, One hundred and sixth New York Infantry, who also served in Company C, One hundred and eighty-eighth New York Infantry, and grant him an honorable discharge as of the date of March second, eighteen hundred and sixty-three, from said Company E, One hundred and sixth New York Infantry Volunteers. This act shall entitle the said Almond C. Walters to all rights and privileges heretofore withheld by reason of the charge of desertion and the failure to receive such certificate of honorable discharge.

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